

ENTERED

October 08, 2024

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Katherin Monson, individually and
on behalf of others similarly
situated,

Plaintiff,

v.

McClenney, Moseley & Associates,
PLLC, James McClenney, John
Zachary Moseley, Tort Network,
LLC, and Apex Roofing and
Restoration, LLC,

Defendants.

Civil Action No. 4:23-cv-00928

ORDER TO PROVIDE NOTICE

On October 7, 2024, attorneys David A. Schenck, Clay A. Cosse, and Alexandra Twiss, and their law firm, Dykema Gossett PLLC (collectively, “Dykema”), filed a motion to withdraw as counsel for Defendant Tort Network, LLC d/b/a Velawcity (“Velawcity”). Dkt. 103. The motion states that Velawcity’s failure to pay Dykema’s fees for legal services provides good cause for Dykema’s withdrawal. *See id.* at 2 (citing Tex. Discipl. R. Prof'l Conduct 1.16(b)(5), (b)(6)). Although Dykema states that it has informed Velawcity of its intent and desire to withdraw, it is unaware if Velawcity has retained new counsel. *See id.* at 2-3.

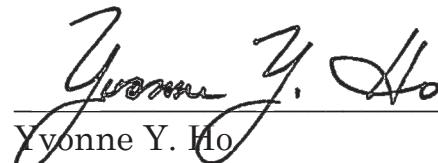
An LLC like Velawcity cannot appear *pro se*. *See Precision Builders, Inc.*

v. Olympic Grp., L.L.C., 642 F. App'x 395, 397 (5th Cir. 2016) (“[B]usiness associations may appear in federal court only through a licensed attorney.”).

Dykema's motion does not indicate that Velawcity is aware of that restriction.

It is therefore **ORDERED** that Dykema provide a written warning to Velawcity, by **October 10, 2024**, that (1) Velawcity, cannot appear *pro se* in federal court and thus must retain other counsel; and (2) Velawcity's failure to promptly obtain new counsel may result in the Court's granting of a default judgment thereafter against it. Dykema must also provide a copy of this Order to Velawcity. Dykema must then file a notification with this Court by **October 15, 2024**, stating whether it provided Velawcity with the written warning and Order, as required. Thereafter, the Court will resolve Dykema's motion to withdraw. Otherwise, the motion will remain under advisement.

Signed on October 8, 2024, at Houston, Texas.



Yvonne Y. Ho
United States Magistrate Judge